

Message Text

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ACTION OES-06

INFO OCT-01 EUR-12 ISO-00 IO-13 L-03 COME-00 CG-00 DOTE-00

DODE-00 EB-07 DLOS-06 SAL-01 INT-05 PM-04 NSC-05

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AGR-05 TRSE-00 AID-05 CEA-01 FRB-03 CIEP-01 STR-04

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FM AMEMBASSY ROME

TO SECSTATE WASHDC PRIORITY 9462

INFO AMEMBASSY BUCHAREST

AMEMBASSY COPENHAGEN

AMEMBASSY MOSCOW

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E.O. 11652: N/A

TAGS: EFIS, ICNAF, IT XN, US

SUBJ: US-ITALY FISHERIES TALKS

1. SUMMARY: REPRESENTATIVES OF UNITED STATES AND ITALY
MET AUGUST 13, 1976 TO DISCUSS FISHERIES OFF THE COAST OF
THE US BY ITALIAN VESSELS; EXPLANATION OF ESSENTIAL ELEMENTS
OF US FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976
(FCMA) AND ITS IMPLICATIONS FOR ITALY; POSSIBLE ALTERNATIVE
POLICIES FOR TRANSITION PERIOD 1977 (WHETHER US LEAVES ICNAF
OR NOT); ENFORCEMENT ISSUES, INCLUDING NEW CONTINENTAL SHELF
FISH RESOURCES CSFR REGS AND RECENT SEIZURE OF ITALIAN VESSEL
"AMORUSO QUARTO"; AND EXPLANATION OF DRAFT GOVERNING INTER-
NATIONAL FISHERY AGREEMENT (GIFA) IN PREPARATION FOR US-ITALY
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NEGOTIATIONS FOR A GIFA. TALKS WERE INFORMAL AND VERY CORDIAL.

MOST SERIOUS ISSUE RAISED BY GOI IS DECISION BY EC MEMBERS TO TURN OVER FISHERIES MATTERS RE THIRD COUNTRIES TO THE COMMUNITY. GOI NOTED THIS MAY WELL PREVENT INDIVIDUAL MEMBERS FROM NEGOTIATING BILATERAL AGREEMENTS WITH THE US. END SUMMARY.

2. US DEL MET WITH REPRESENTATIVES OF ITALIAN MINISTRIES OF MERCHANT MARINE (MMM) AND FOREIGN AFFAIRS (MFA) AND ITALIAN FISHING VESSELS OWNERS ASSOCIATION (FEDERPESCA) TO DISCUSS ISSUES OF COMMON CONCERN RELATING TO FISHING BY ITALIAN VESSELS OFF US COAST. DISCUSSIONS WERE INFORMAL, WITH US DEL SETTING FRAMEWORK BY INDICATING NATURE OF US APPROACH TO FISHERIES CONSERVATION AND MANAGEMENT THROUGH US EXTENSION OF FISHERIES JURISDICTION EFFECTIVE MARCH 1, 1977, AND WORK OF US DEL IN NEGOTIATING GIFA'S IN OTHER COUNTRIES.

3. FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976: US DEL EXPLAINED ACT AND IMPLICATIONS FOR ITALIAN FISHING OFF US. REMARKS PREFACED BY BRIEF HISTORY OF OVERFISHING OFF US. EXTENT OF US JURISDICTION UNDER THE ACT WAS EXPLAINED, EMPHASIZING THAT ACT CREATED FOR FISHERIES JURISDICTION, NOT FOR ECONOMIC ZONE. ESSENTIALS OF PERMIT SYSTEM DISCUSSED, INCLUDING US ESTABLISHMENT OF TOTAL ALLOWABLE CATCHES (TAC), US PREFERENTIAL HARVEST, AND CONDITIONS FOR FOREIGN GOVERNMENTS TO OBTAIN PERMITS FOR ANY FISHING CONDUCTED FOR AVAILABLE SURPLUS. ALSO NOTED WAS REQUIREMENT TO HAVE A GIFA PRIOR TO APPLICATION FOR PERMITS, CRITERIA TO BE USED BY US IN ALLOCATING AMONG COUNTRIES, AND REQUIREMENT FOR RECIPROCITY FOR US VESSELS.

4. ITALIAN DEL EXPRESSED CONCERN THAT CRITERIA FOR TRADITIONAL FISHING DETRIMENTAL IN THEIR CASE BECAUSE FISHERY HAS BEEN SMALL. THEY ALSO EXPRESSED FEELING THAT US SYSTEM REWARDING TRADITIONAL FISHING DISCRIMINATES AGAINST COUNTRIES WITH FREE ENTERPRISE SYSTEMS WHICH CANNOT MOUNT THE KIND OF FISHING EFFORT POSSIBLE BY A COUNTRY WITH A CONTROLLED ECONOMY.

5. US DEL DESCRIBED NATURE OF MANAGEMENT MEASURES CONTEMPLATED, WHICH WOULD BE DESCRIBED ON PERMIT FOR EACH FOREIGN VESSEL, INCLUDING CLOSED AREAS AND SEASONS, MESH SIZES, GEAR RESTRICTIONS, ETC. ITALIAN DEL ASKED IF THIS MEANT US WILL USE THE QTE WINDOW LIMITED OFFICIAL USE

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APPROACH UNQTE DESCRIBED IN ICNAF IN JUNE. US DEL REPLIED THAT US PROBABLY WILL USE THIS APPROACH AS ONE OF ITS MANAGEMENT TOOLS.

6. QUOTAS. US DEL, FOLLOWING QUERY BY ITALIAN DEL RE QUOTAS THEY COULD EXPECT, STATED THAT GIFA IS AN AGREEMENT IN PRINCIPLE RECOGNIZING US JURISDICTION ACCORDING TO US LAW, AND THAT PERMIT SYSTEM ESTABLISHED BY GIFA IS FORUM FOR ALLOCATIONS FOR TRANSITION YEAR 1977. IF US STAYS IN ICNAF, ALLOCATIONS WILL BE THOSE

ESTABLISHED BY ICNAF. REPRESENTATIVE OF ITALIAN INDUSTRY ASKED IF US WILL REALLOCATE US QUOTAS TO OTHER COUNTRIES IF US FISHERMEN CANNOT TAKE THEIR PREFERENTIAL HARVEST ALLOCATIONS. HE SPECIFICALLY REFERRED TO US SQUID ALLOCATIONS OBTAINED IN ICNAF FOR 1977. US DEL REPLIED IT DID NOT KNOW WHAT USG POLICY WILL BE ON REALLOCATIONS, BUT OFFERED OPINION THAT IT MIGHT DIFFER ACCORDING TO SPECIES INVOLVED. ITALIAN DEL THEN ASKED USG TO CLARIFY POLICY ON REALLOCATIONS.

7. US DEL EXPLAINED NEW CSFR REGS TO ITALIAN DEL, NOTING DELETION OF AREA OF CONCENTRATION REQUIREMENT AND EMPHASIZING NECESSITY OF RETURNING CSFR TO THE SEA WITH A MINIMUM OF INJURY. ALSO DISCUSSED RECENT SEIZURE AND FINE OF ITALIAN VESSEL "AMORUSO QUARTO". ITALIAN INDUSTRY REPRESENTATIVES EXPRESSED CONCERN OVER STRICTNESS OF US ENFORCEMENT AND THE "AMORUSO QUARTO" CASE.

8. ITALIAN DEL NOTED THAT, AT RECENT ICNAF MEETING, JAPAN AND BULGARIA RECEIVED NATIONAL ALLOCATIONS IN SQUID FOR THE FIRST TIME, HAVING PREVIOUSLY FISHED IN THE "OTHERS" CATEGORY. GOI REQUESTS THAT THEY BE GIVEN SAME CONSIDERATION FOR MACKEREL, I.E., TO CHANGE FROM "OTHERS" CATEGORY TO A NATIONAL ALLOCATION. US DEL REPLIED THAT IT ASSUMES GOI WILL PURSUE THIS IN ICNAF FORUM IN DECEMBER BUT, IN ANY EVENT, IT WILL PROBABLY NOT MAKE MUCH DIFFERENCE AFTER US LAW TAKES EFFECT.

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9. EVENING MEETING DEVOTED TO A DISCUSSION OF US DRAFT GIFA WITH REPRESENTATIVES OF GOI ONLY. US DEL WENT THROUGH ARTICLE-BY-ARTICLE EXPLANATION, DRAWING ON AND EMPHASIZING POINTS EXPRESSED EARLIER WHEN DISCUSSING US FCMA. GOI HAD SEVERAL SPECIFIC QUESTIONS OR REQUESTS:

(A) THAT USG MAKE ALLOCATIONS WELL IN ADVANCE OF FISHING SEASON TO ALLOW SUFFICIENT TIME FOR ITALY TO PLAN ITS FISHING STRATEGY AND TO MAKE INFORMED PERMIT APPLICATIONS;

(B) THAT USG PROVIDE FEE SCHEDULES AS SOON AS THEY ARE AVAILABLE; AND

(C) THAT USG PROVIDE SUFFICIENT FLEXIBILITY IN THE PERMIT ALLOCATION REGULATIONS TO PERMIT EFFICIENT AND ECONOMICAL OPERATION OF ANY ITALIAN FISHERY IN US WATERS.

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AT HEART OF ITALIAN CONCERN IS THEIR ABILITY TO CHANGE VESSELS, GEAR, TARGET SPECIES DUE TO UNFORESEEN CIRCUMSTANCES (DISABLEMENT OF A PERMIT-HOLDING BOAT, FOR INSTANCE) OR ECONOMIC NEEDS.

US DEL INDICATED WILLINGNESS TO SEEK ANSWERS TO ABOVE REQUESTS.

10. GOI DEL STATED THAT GOI AND INDUSTRY REPRESENTATIVES WILL STUDY DRAFT GIFA CAREFULLY. BOTH SIDES INDICATED WILLINGNESS TO EXCHANGE COMMENTS ON GIFA THROUGH THEIR EMBASSIES, AND INTENT TO MEET SOON FOR FURTHER DISCUSSION OF GIFA, PERHAPS IN SEPTEMBER.

11. DURING COURSE OF EVENING DISCUSSIONS, GOI EXPLAINED PRESENT EC POSITION ON FISHERIES. THEY STATED THAT THERE IS A QTE TREND TO TRANSFER TO THE EC COMMISSION THE EXCLUSIVE COMPETENCE FOR NEGOTIATING FISHERIES AGREEMENTS WITH THIRD COUNTRIES UNQTE, AND THAT IT IS QTE QUITE SURE THAT THIS EXCLUSIVE COMPETENCE WILL ENTER INTO FORCE ON JANUARY 1, 1977 UNQTE. (THEY CITED ICELAND AND THE US AS EXAMPLES OF THIRD COUNTRIES.) THEY SAID THAT IT WOULD THEREFORE BE QUITE DIFFICULT FOR ANY EC MEMBER AT THIS TIME TO DO ANYTHING WITHOUT REFERRAL TO THE EC FOR CON-

SIDERATION. THEY NOTED THAT OF COURSE THE GOI CAN CONSIDER A BILATERAL AGREEMENT BUT THAT IT WOULD NOT LIKELY BE ABLE TO ENTER INTO SUCH AN AGREEMENT WITHOUT EC APPROVAL, AND POSSIBLY NOT AT ALL IN VIEW OF EC POSITION. THEY NOTED, AS AN EXAMPLE OF OTHER DIFFICULTIES WHICH MIGHT BE ENCOUNTERED, THE QUESTION OF RECIPROCITY (ARTICLE FOURTEEN OF DRAFT GIFA), STATING THAT EC MEMBERS HAVE RELINQUISHED SOVEREIGNTY OVER THE RESOURCES TO THE COMMUNITY AND HENCE NO LONGER HAVE THE AUTHORITY TO GRANT RECIPROCITY TO THIRD COUNTRIES.

12. IN DISCUSSIONS OVER LUNCH, SCAGLIA OF MFA AND DELEON OF MMM, BOTH QUESTIONED US DEL AT LENGTH ON ATTITUDE OF USG TOWARD NEGOTIATIONS WITH EC AS A UNIT, NOTING THAT THEY WILL LIKELY BE CONSTRAINED TO COMMUNITY ACTION ONLY AS OF JANUARY 1, AND IN PRACTICAL TERMS, ALREADY ARE. US DEL RESPONDED THAT LANGUAGE OF P.L. 94-265 CONTEMPLATES BILATERAL AGREEMENTS BETWEEN SOVEREIGNS AND ALLOCATIONS BY COUNTRY BASED ON TRADITIONAL FISHING, COOPERATION IN SCIENCE AND COOPERATION IN LIMITED OFFICIAL USE

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ENFORCEMENT AND CONSERVATION, NOTING THAT AN AGREEMENT WITH EC MIGHT DO VIOLENCE TO THE TRADITIONAL FISHING CRITERIA ESPECIALLY AND THAT IT MIGHT NOT BE POSSIBLE UNDER P.L. 94-265 TO CONCLUDE AN AGREEMENT WITH THE EC, ALTHOUGH THE ISSUE IS UNDER STUDY.

13. TALKS CONCLUDED WITH US DEL EMPHASIZING IMPORTANCE OF CONCLUDING GIFA ON A TIMELY BASIS TO PROVIDE ENOUGH TIME FOR INTERNAL CLEARANCE BY BOTH SIDES PRIOR TO MARCH 1, 1977. VOLPE

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